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10/715,461	11/19/2003	Kang Soo Seo	1740-0000063/US	3760
30593	7590	04/15/2008	EXAMINER	
HARNESS, DICKY & PIERCE, P.L.C.			SHIBRUI, HELEN	
P.O. BOX 8910			ART UNIT	PAPER NUMBER
RESTON, VA 20195			2621	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,461	<b>Applicant(s)</b> SEO ET AL.
	<b>Examiner</b> HELEN SHIBRU	<b>Art Unit</b> 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 19 November 2003.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-166/08)  
 Paper No(s)/Mail Date 01/05, 03/08

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, and 9-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamauchi (US PG PUB 2002/0106196).

Regarding claim 1, Yamauchi discloses a recording medium having a data structure for managing multiple component data recorded on the recording medium, comprising: a data area having at least one clip file of main component data and at least one clip file of auxiliary component data, the clip file of main component data and the clip file of auxiliary component data being separate clip files that are non-interleaved in the data area (see abstract and claim 1).

Regarding claim 2, Yamauchi discloses wherein the auxiliary component data includes audio data (see figure 22B, abstract and paragraph 0135).

Regarding claim 3, Yamauchi discloses the auxiliary component data includes subtitle data (see abstract, paragraphs 0163-0164, 0167, 0169 and figure12A-C).

Regarding claim 4, Yamauchi discloses the auxiliary component data includes enhanced data (see abstract).

Regarding claim 9, Yamauchi discloses each clip file is divided into units of data, and boundaries between units of data indicating where reproduction is permitted to jump to a unit of data in a different clip file (see paragraphs 0112 and 0146-0149).

Regarding claim 10, Yamauchi discloses each unit of data includes at least one entry point of data (see paragraphs 0188).

Regarding claim 11, Yamauchi discloses each unit of data in a clip file has a same number of entry points (see paragraphs 0105, 0131, 0188 and 0271).

Regarding claim 12, Yamauchi discloses at least two units data in a same clip file have different numbers of entry points (see paragraphs 0131-0132, 0136-0137).

Regarding claim 13, Yamauchi discloses a management area storing at least one entry point map associated with each clip file stored on the recording medium, each entry point map identifying entry points in the data and including at least one flag, each flag associated with an entry point identifying whether jumping to another clip file is permitted in relation to the entry point (see paragraphs 0191, 0195, 0200-0201 and 0271).

Regarding claim 14, Yamauchi discloses the entry points having associated flags permitting a jump define the units of data in the associated clip file (see paragraphs 0176-0178).

Regarding claim 15, Yamauchi discloses an active flag associated with an entry point indicates that jumping is permitted after reproducing the entry point having the associated active flag (see paragraphs 0279).

Regarding claim 16, Yamauchi discloses an active flag associated with an entry point indicates that jumping is permitted before reproducing the entry point having the associated active flag (see paragraphs 0289 and 0291).

Regarding claim 17, Yamauchi discloses the data area has more than one clip file of auxiliary component data (see abstract).

Claim 18 is rejected for the same reason as discussed in claim 4 above.

Regarding claim 19, the limitation of claim 19 can be found in claims 1 and 9. Therefore claim 19 is analyzed and rejected for the same reasons as discussed in claims 1 and 9 above.

Claim 20 is rejected for the same reason as discussed in claim 17 above.

Claims 21 and 22 are rejected for the same reason as discussed in claims 4 above.

Claim 23 is rejected for the same reasons as discussed in claim 1 above.

Regarding claim 24, Yamauchi discloses a method of reproducing a data structure for managing reproduction of multiple component data recorded on a recording medium, comprising: reproducing at least one clip file of main component data and at least one clip file of auxiliary component data from the recording medium, the clip file of main component data and the clip file of auxiliary component data being separate clip files that are non-interleaved on the recording medium (see claim 1 rejection above and claim 10 in Yamauchi).

Regarding claim 25, Yamauchi discloses An apparatus for recording a data structure for managing reproduction of multiple component data on a recording medium, comprising: a driver for driving an optical recording device to record data on the recording medium (see paragraphs 0217 and claim 10); a controller for controlling the driver to record at least one clip file of main component data and at least one clip file of auxiliary component data on the recording medium, the clip file of main component data and the clip file of auxiliary component data being separate clip files that are non-interleaved on the recording medium (see claim 1 rejection above and claim 10 in Yamauchi).

Claim 26 is rejected for the same reasons as discussed in claim 25 above.

*Claim Rejections - 35 USC § 103*

Art Unit: 2621

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi in view of Official Notice.

Regarding claims 5-8, although Yamauchi fails to disclose the auxiliary component data includes Java, html, xml, and CGI data, Official Notice is taken that it is well known in the art at the time the invention was made to use html, xml and CGI data in order to transform the data.

*Claim Rejections - 35 USC § 101*

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-22 are rejected under 35 U.S.C. 101 because the claims are directed to a recording medium storing nonfunctional descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical “things” nor statutory processes. See, e.g. *Warmerdam*, 33 F. 3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. In addition a mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship either as part of the stored data or as part of the computing processes performed by the computer then such descriptive material alone does not

impart functionality either to the data as so structured, or to the computer, and therefore are not statutory. See MPEP 2106.IV.B.1.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/  
Examiner, Art Unit 2621  
April 10, 2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621

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